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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warren J. Scherer Examiner: Leslie A. Royds
Serial No.: 10/626,037 Group Art Unit: 1614
Confirmation No.: 1255 Docket: 512-160
Filed: July 23, 2003 Dated: March 9, 2007
For: Methods of Treating
Cutaneous Flushing Using
Selective Alpha-2-
Adrenergic Receptor
Agonists

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

*I hereby certify this correspondence is being deposited
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postpaid in an envelope, addressed to: Commissioner
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22313-1450 on March 9, 2007*

Signature: Deana J. Green

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
REQUIREMENT**

Sir:

In an Office Action mailed September 11, 2006, the examiner has imposed a
Restriction Requirement to one of the following inventions under the provisions of 35 U.S.C.
§121:

- Group I. Claims 3-4 and 29-32 drawn to a method for treating cutaneous flushing as it results from rosacea and a method for treating rosacea comprising the administration of an $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending upon the agent used.
- Group II. Claims 5-6 drawn to a method for treating cutaneous flushing as it results from menopause-associated hot flashes comprising the administration of an $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.
- Group III. Claims 7-8 drawn to a method for treating cutaneous flushing as it results from hot flashes following orchiectomy comprising the administration of an $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.

- Group IV. Claims 9-10 drawn to a method for treating cutaneous flushing as it results from ingestion of alcohol, chocolate, spice, flavor-enhancing additives and mono-sodium glutamate comprising the administration of an $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.
- Group V. Claims 22-25 and 33, drawn to compositions of an $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.

In response to the Restriction Requirement, applicant elects the claims of Group II (i.e., claims 5-6) without traverse. Applicant reserves the right to pursue the remaining non-elected inventions in divisional applications.

Additionally, the examiner imposed an election of species under the provisions of 35 U.S.C. § 121. The examiner indicated that claims 1-12, 14, 18-19, 22-23, and 25-33 are generic to the following plurality of species:

- (a) $\alpha 2$ -adrenergic receptor agonist: (i) brimonidine tartrate, (ii) guanabenz, (iii) guanfacine, (iv) alpha-methyl DOPA (methyldopamine), (v) amphetamine, (vi) methylphenidate, (vii) lofexidine, (viii) monoxidine, (ix) dexmedetomidine, (x) mivazerol, or (xi) brimonidine
- (b) Additional agent: (xii) antibacterial agents, (xiii) antihelminthic agents, (xiv) antioxidant agents, (xv) steroidal anti-inflammatory agents, (xvi) non-steroidal anti-inflammatory agents, (xvii) antiangiogenic agents, (xviii) retinoic acid derivatives, (xix) aloe, (xx) compounds that act as sunscreens, (xxi) preservatives, or (xxii) halogens

In response to the Election of Species Requirement, applicant elects (i) brimonidine tartrate as the $\alpha 2$ -adrenergic receptor agonist and (xv) steroidal anti-inflammatory agents as the additional agent without traverse.

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It is now believed that this application is in condition for further consideration and examination. If resolution of any remaining issues are required prior to examination of the application, it is respectfully requested that the examiner contact applicant's attorney at the telephone number provided below.

Respectfully submitted,



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